

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JIMMY MORGAN,

Petitioner,

-vs-

STATE OF OHIO,

Respondent.

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Case No. 3:06-cv-230

:

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations and Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. Nos. 5 & 7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed to the Supplemental Report and Recommendations and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 14, 2006, hereby ADOPTS said Supplemental Report and Recommendations.

It is therefore ORDERED that this case be dismissed without prejudice for lack of subject matter jurisdiction.

September 25, 2006.

**\*s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge